

JOEL CAMPUZANO §  
v. § CIVIL ACTION NO. 6:08cv466  
DIRECTOR, TDCJ-CID §

The Plaintiff Joel Campuzano, proceeding *pro se*, filed this application for the writ of habeas corpus under 28 U.S.C. §2254 complaining of the legality of his conviction. This Court ordered that the case be referred to the United States Magistrate Judge pursuant to 28 U.S.C. §636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges.

Campuzano was convicted on his plea of guilty of possession of a controlled substance, receiving a sentence of 25 years in prison. In his habeas corpus petition, he contended that his plea of guilty was unlawfully inducted, he received ineffective assistance of counsel, and the plea agreement was not translated for him by an interpreter and so he was not aware of the full consequences of the agreement.

The Magistrate Judge ordered the Respondent to answer Campuzano's petition, and an answer was filed. Campuzano did not file a response to the answer. After review of the pleadings, the Magistrate Judge issued a Report recommending that the petition be dismissed with prejudice and that Campuzano be denied a certificate of appealability *sua sponte*. Campuzano received a copy of the Magistrate Judge's Report on July 29, 2009, but filed no objections thereto; accordingly, he is barred from *de novo* review by the district judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-

to proposed factual findings and legal conclusions accepted and adopted by the district court.  
Douglass v. United Services Automobile Association, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*).

The Court has reviewed the pleadings in this case and the Report of the Magistrate Judge. Upon such review, the Court has determined that the Report of the Magistrate Judge is correct. It is accordingly

ORDERED that the Report of the Magistrate Judge is ADOPTED as the opinion of the District Court. It is further

ORDERED that the above-styled application for the writ of habeas corpus be and hereby is DISMISSED with prejudice. It is further

ORDERED that the Petitioner Joel Campuzano is hereby DENIED a certificate of appealability *sua sponte*. Finally, it is

ORDERED that any and all motions which may be pending in this action are hereby DENIED.

**So ORDERED and SIGNED this 21st day of September, 2009.**

A handwritten signature in black ink, appearing to read 'Leonard Davis', written over a horizontal line.

**LEONARD DAVIS  
UNITED STATES DISTRICT JUDGE**